

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 13**

**VINCE & SONS CO. AND JO MO
ENTERPRISES, INC. D/B/A VINCE & SONS
PASTA, ALTER-EGO AND/OR GOLDEN
STATE SUCCESSOR**

Case 13-CA-123828

and

**UNITED FOOD & COMMERCIAL WORKERS
INTERNATIONAL UNION, LOCAL 1546**

**MOTION TO TRANSFER PROCEEDINGS TO THE BOARD AND
MOTION FOR DEFAULT JUDGMENT**

J. Edward Castillo, Counsel for the General Counsel, pursuant to Sections 102.24 and 102.50 of the National Labor Relations Board's Rules and Regulations, files this Motion to Transfer Proceedings to the Board and a Motion for Default Judgment. These motions are made based upon the assertion that the General Counsel is entitled to default judgment, pursuant to Section 102.20 of the Board's Rules and Regulations, because Vince & Sons Co. and Jo Mo Enterprises, Inc. d/b/a Vince & Sons Pasta, Alter ego and/or *Golden State* Successor (herein collectively called "Respondents") have withdrawn the Answers it filed to both the Complaint and Notice of Hearing and the First Amended Complaint and Notice of Hearing in this matter. *Windward Roofing and Construction Co., Inc.*, 333 NLRB 658 (2001); *U.S. Telefactores Corporation*, 293 NLRB 567 (1989).

In support of its Motions, Counsel for General Counsel submits the following:

1. On March 5, 2014, United Food & Commercial Workers International Union, Local 1546 (herein called "Charging Party") filed a charge in the instant case alleging that Jo Mo Enterprises, Inc. d/b/a Vince & Sons Pasta (herein called "Respondent Jo Mo Enterprises")

violated Section 8(a)(1), (3) and (5) of the Act. A copy of this charge is attached hereto as **Exhibit 1**; the affidavit of service is attached hereto as **Exhibit 2**. On April 16, 2014, the Charging Party filed a first amended charge in the instant case alleging that Respondent Jo Mo Enterprises violated Section 8(a)(1), (3) and (5) of the Act. A copy of this charge is attached hereto as **Exhibit 3**; the affidavit of service is attached hereto as **Exhibit 4**.

2. On May 16, 2014, the Regional Director issued a Complaint and Notice of Hearing alleging that Respondents violated Section 8(a)(1), (3) and (5) of the Act as alleged in the above first amended charge. A copy of the Complaint and Notice of Hearing is attached hereto as **Exhibit 5**; the affidavit of service is attached hereto as **Exhibit 6**. The Complaint advised Respondents that if an Answer was not filed within 14 days of service of the Complaint, as required under Sections 102.20 and 102.21 of the Board's Rules and Regulations, all of the allegations would be admitted to be true and so found by the Board. On May 30, Respondents filed an Answer to this Complaint. A copy of Respondents' Answer is attached hereto as **Exhibit 7**.

3. On December 4, 2014, the Acting Regional Director issued a First Amended Complaint and Notice of Hearing alleging that Respondents violated Section 8(a)(1) and (3) of the Act. A copy of the First Amended Complaint and Notice of Hearing is attached hereto as **Exhibit 8**; the affidavit of service is attached hereto as **Exhibit 9**. The First Amended Complaint advised Respondents that if an Answer was not filed within 14 days of service of the Complaint, as required under Sections 102.20 and 102.21 of the Board's Rules and Regulations, all of the allegations would be admitted to be true and so found by the Board. On December 26, Respondents filed an Answer to this First Amended Complaint. A copy of Respondents' Answer is attached hereto as **Exhibit 10**.

4. On January 23, 2015, Respondents filed a Motion to Withdraw Its Answers. This Motion states that by withdrawing its Answers all allegations in the First Amended Complaint shall be deemed to be admitted to be true and shall be so found by the Board. A copy of Respondents' Motion to Withdraw Its Answers is attached hereto as **Exhibit 11**.

5. On January 26, 2015, the Regional Director of Region 13 issued an Order approving Respondents' Motion to Withdraw Its Answers. A copy of the Regional Director's Order is attached hereto as **Exhibit 12**; the affidavit of service is attached hereto as **Exhibit 13**.

6. Based on the foregoing, it is clear that no administrative hearing is necessary in this case and it is appropriate for the Board to issue a Decision and Order without further proceedings herein.

WHEREFORE, Counsel for the General Counsel respectfully requests that the Board grant the Motion to Transfer Proceedings to the Board and the Motion for Default Judgment. The Board should also deem all of the allegations in the First Amended Complaint to be true and issue an appropriate Decision and Order.

DATED at Chicago, Illinois, this 29th day of January 2015.

/s/ J. Edward Castillo
J. Edward Castillo
Counsel for the General Counsel
National Labor Relations Board
Region 13
209 S. LaSalle Street, Suite 900
Chicago, IL 60604

Attachments

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing Motion to Transfer Proceedings to the Board and Motion for Default Judgment has been served this 29th day of January 2015, in the manner indicated, upon the following parties of record:

E-FILED and E-MAIL:

James E. McCoy, Esq.
Law Office of James E. McCoy
101 S. Addison Road
Addison, IL 60101

Marisel A. Hernandez, Esq.
Jacobs, Burns, Orlove & Hernandez
150 N Michigan Ave Ste 1000
Chicago, IL 60601-7569

Lester A. Heltzer, Executive Secretary
National Labor Relations Board
Office of Executive Secretary
1099 14th Street, N.W.
Washington, D.C. 20570-0001

/s/ J. Edward Castillo
J. Edward Castillo
Counsel for General Counsel
National Labor Relations Board, Region 13
209 S. LaSalle Street, Suite 900
Chicago, IL 60604
(312) 353-7586

FORM EXEMPT UNDER 44 U.S.C. 3512

INTERNET
FORM NLRB-501
(2-06)UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
CHARGE AGAINST EMPLOYER

DO NOT WRITE IN THIS SPACE

Case
13-CA-123828Date Filed
3/5/2014

INSTRUCTIONS:

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

a. Name of Employer

Jo Mo Enterprises, Inc. d/b/a Vince & Sons Pasta

b. Tel. No. (708) 599-8098

c. Cell No.

f. Fax No. (708) 599-8009

g. e-Mail

h. Number of workers employed
3d. Address (Street, city, state, and ZIP code)
7825 W. 87th Place
Bridgeview, IL 80455e. Employer Representative
Robert Okoni. Type of Establishment (factory, mine, wholesaler, etc.)
Factoryj. Identify principal product or service
Pasta

k. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list subsections) (3) (5) & 8(d) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.

2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)

Since on or about November 22, 2013, the above-named Employer discharged Rosario Diaz, Elvia Gutierrez and Fernando Salazar because they were Union members, withdrew recognition and unilaterally terminated the Collective Bargaining Agreement, has failed and refused to abide by the terms of the Collective Bargaining Agreement, and has failed to bargain in good faith with the Union.

3. Full name of party filing charge (if labor organization, give full name, including local name and number)

United Food & Commercial Workers Union Local 1546

4a. Address (Street and number, city, state, and ZIP code)

1649 W. Adams Street, Chicago, IL 60612

4b. Tel. No. (312) 733-2999

4c. Cell No.

4d. Fax No. (312) 733-4369

4e. e-Mail

5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)

United Food & Commercial Workers International Union, AFL-CIO

6. DECLARATION

I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.

By

(signature of representative or person making charge)

Marisel A. Hernandez, Attorney

(Print type name and title or office, if any)

Tel. No. (312) 327-3447

Office, if any, Cell No.

Fax No. (312) 580-7175

e-Mail

mhernandez@jbosh.com

JACOBS, BURNS, ORLOVE & HERNANDEZ

150 N. Michigan Ave., Suite 1000, Chicago, IL 60601

3/5/2014

(date)

Address

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)

PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is for the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of the information is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.

EXHIBIT

1

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

**JO MO ENTERPRISES, INC D/B/A VINCE &
SONS PASTA**

Charged Party

and

**UNITED FOOD & COMMERCIAL WORKERS
LOCAL 1546**

Charging Party

Case 13-CA-123828

AFFIDAVIT OF SERVICE OF CHARGE AGAINST EMPLOYER

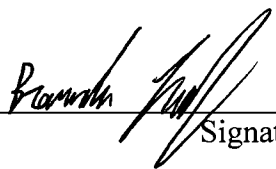
I, the undersigned employee of the National Labor Relations Board, state under oath that on , I served the above-entitled document(s) by post-paid regular mail upon the following persons, addressed to them at the following addresses:

Robert Okon
Jo Mo Enterprises, Inc d/b/a Vince & Sons
Pasta
7825 W. 87th Place
Bridgeview, IL 60455

Brendan Zarling, Designated Agent of
NLRB

Date

Name



Signature

EXHIBIT

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Form NLRB - 501 (2-08)

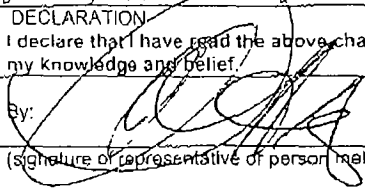
UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD

FIRST AMENDED CHARGE AGAINST EMPLOYER

INSTRUCTIONS:

DO NOT WRITE IN THIS SPACE	
Case	Date Filed
13-CA-123828	4/16/14

File an original of this charge with NLRB Regional Director in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT			
a. Name of Employer Jo Mo Enterprises, Inc d/b/a Vince & Sons Pasta		b. Tel. No. (708)599-8098	
d. Address (street, city, state ZIP code) 7825 W. 87th Place, Bridgeview, IL 60455		c. Cell No.	
		f. Fax No. (708)599-8009	
e. Employer Representative Robert Okon		g. e-Mail	
i. Type of Establishment (factory, nursing home, hotel) Factory		h. Dispute Location (City and State) Bridgeview, IL	
		k. Number of workers at dispute location 3	
j. Principal Product or Service Pasta			
<p>1. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (3), (5) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act</p> <p>2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)</p> <p>Since about November 21, 2013, the Employer, through Robert Okon, has violated Section 8(a)(1) of the Act by telling employees that the new employer does not want employees that are with the union and since the employees do not want to get rid of the Union, they are out.</p> <p>Since about November 2013, the Employer discriminated against employees Elvia Gutierrez and Rosario Diaz by disciplining them in order to discourage union activities or membership, in violation of Section 8(a)(3) of the Act</p> <p>Since about November 22, 2013, the Employer discriminated against employees Elvia Gutierrez, Rosario Diaz and Fernando Salazar by discharging them in order to discourage union activities or membership, in violation of Section 8(a)(3) of the Act.</p> <p>Since about November 22, 2013, the Employer has failed to bargain collectively and in good faith with United Food & Commercial Workers Local 1546, by failing to adhere to the grievance procedure per the collective bargaining agreement, repudiated the contract and withdrew recognition, in violation of Section 8(a)(5) of the Act.</p> <p>3. Full name of party filing charge (if labor organization, give full name, including local name and number) United Food & Commercial Workers Local 1546</p> <p>4a. Address (street and number, city, state, and ZIP code) 1649 W Adams St, 2nd Floor, Chicago, IL 60612-3294</p> <p>4b. Tel. No. 312-733-2999</p> <p>4c. Cell No.</p> <p>4d. Fax No. 312-733-4369</p> <p>4e. e-Mail</p> <p>5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization) United Food & Commercial Workers Union Local 1546</p> <p>6. DECLARATION I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.</p> <p>By:  (signature of representative of person making charge)</p> <p>Marisel A. Hernandez, Attorney</p> <p>Print Name and Title</p> <p>Date: 4/16/2014</p> <p>Address: Jacobs, Burns, Orlove & Hernandez 150 N. Michigan Avenue, Suite 1000, Chicago, IL 60601</p> <p>Tel. No. 312-327-3447</p> <p>Office, if any, Cell No.</p> <p>Fax No. 312-580-7175</p> <p>e-Mail</p>			

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001) PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.

EXHIBIT

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UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

**JO MO ENTERPRISES, INC D/B/A VINCE &
SONS PASTA**

Charged Party

and

**UNITED FOOD & COMMERCIAL WORKERS
LOCAL 1546**

Charging Party

Case 13-CA-123828

AFFIDAVIT OF SERVICE OF FIRST AMENDED CHARGE AGAINST EMPLOYER

I, the undersigned employee of the National Labor Relations Board, being duly sworn, say that on April 16, 2014, I served the above-entitled document(s) by regular mail upon the following persons, addressed to them at the following addresses:

Robert Okon
Jo Mo Enterprises, Inc d/b/a Vince & Sons
Pasta
7825 W. 87th Place
Bridgeview, IL 60455

April 16, 2014

Date

Denise Gatsoudis, Designated Agent of
NLRB

Name



Signature

EXHIBIT

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**FOR
FORMAL FILING**

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 13**

**VINCE & SONS CO. AND JO MO ENTERPRISES,
INC. D/B/A VINCE & SONS PASTA, ALTER-EGO
AND/OR SUCCESSOR**

and

Case 13-CA-123828

**UNITED FOOD & COMMERCIAL WORKERS
LOCAL 1546**

COMPLAINT AND NOTICE OF HEARING

This Complaint and Notice of Hearing is based on a charge filed by United Food & Commercial Workers Local 1546, herein called the Union. It is issued pursuant to Section 10(b) of the National Labor Relations Act, 29 U.S.C. § 151 et seq. (the Act), and Section 102.15 of the Rules and Regulations of the National Labor Relations Board (the Board) and alleges that Vince & Sons Co. herein individually called Respondent Vince & Sons, and Jo Mo Enterprises, Inc. d/b/a Vince & Sons Pasta, herein individually called Respondent Jo Mo Enterprises, as Alter Egos and herein collectively called Respondents, has violated the Act as described below:

I.

a) The charge in this proceeding was filed by the Charging Party on March 5, 2014, and a copy was served by regular mail on Respondent on March 6, 2014.

b) The first amended charge in this proceeding was filed by the Charging Party on April 16, 2014, and a copy was served by regular mail on Respondent on April 16, 2014.

II.

a) At all material times, Respondent Vince & Sons, a corporation with an office and place of business in Bridgeview, Illinois, has been engaged in the business of manufacturing pasta and the retail and nonretail sale of pasta.

b) During the 12-month period ending November 22, 2013, Respondent Vince & Sons, in conducting its business operations described in paragraph II(a), sold and shipped from its Bridgeview, Illinois facility goods valued in excess of \$50,000 directly to points outside the State of Illinois.

c) At all material times, Respondent Vince & Sons has been an employer engaged in commerce within the meaning of Section 2(2), (6), and (7) of the Act.

EXHIBIT

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III.

a) At all material times, Respondent Jo Mo Enterprises, a corporation, doing business as Vince & Sons Pasta, with an office and place of business in Bridgeview, Illinois, has been engaged in the business of manufacturing pasta and the retail and nonretail sale of pasta.

b) Based on a projection of its operations since about November 22, 2013, at which time Respondent Jo Mo Enterprises commenced its operations, Respondent Jo Mo Enterprises, in conducting its business operations described above in paragraph III(a) will annually sell and ship from its Bridgeview, Illinois facility goods valued in excess of \$50,000 directly to points outside the State of Illinois.

c) At all material times, Jo Mo Enterprises, Inc. d/b/a Vince & Sons Pasta has been an employer engaged in commerce within the meaning of Section 2(2), (6), and (7) of the Act.

IV.

a) At all material times, Respondent Vince & Sons and Respondent Jo Mo Enterprises have had substantially identical management, business purpose, operations, equipment, customers, and supervision, shared premises and facilities, and ownership.

b) About November 22, 2013, Respondent Jo Mo Enterprises was established by Respondent Vince & Sons, as a continuation of Respondent Vince & Sons Co.

c) Respondent Vince & Sons established Respondent Jo Mo Enterprises, as described in paragraph IV(b), for the purpose of evading its responsibilities under the Act.

d) Based on the operations and conduct described in paragraph IV(a)-(c), Respondent Vince & Sons and Respondent Jo Mo Enterprises are, and have been at all material times, alter egos within the meaning of the Act.

V.

a) In the alternative, about November 22, 2013, Respondent Jo Mo Enterprises purchased the business of Respondent Vince & Sons, and since then has continued to operate the business of Respondent Vince & Sons in basically unchanged form, and has employed as a majority of its employees individuals who were previously employees of Respondent Vince & Sons.

b) Based on its operations described above in paragraph V(a), Respondent Jo Mo Enterprises has continued the employing entity and is a successor to Respondent Vince & Sons.

VI.

At all material times, the Union has been a labor organization within the meaning of Section 2(5) of the Act.

VII.

At all material times, the following individuals held the positions set forth opposite their respective names and have been supervisors of Respondent Vince & Sons within the meaning of Section 2(11) of the Act and agents of Respondent Vince & Sons within the meaning of Section 2(13) of the Act:

Robert Okon	-	Owner
Michael Okon	-	Director of Operations
Jesse Soto	-	Production Manager

VIII.

At all material times, the following individuals held the positions set forth opposite their respective names and have been supervisors of Respondent Jo Mo Enterprises within the meaning of Section 2(11) of the Act and agents of Respondent Jo Mo Enterprises within the meaning of Section 2(13) of the Act:

Michael Okon	-	Owner
Jesse Soto	-	Production Manager

IX.

a) The following employees of Respondents, herein called the Unit, constitute a unit appropriate for the purposes of collective bargaining within the meaning of Section 9(b) of the Act:

All full-time and part-time employees at the Employer's facility currently located at 7825 W. 87th Place, Bridgeview, Illinois; but excluding all office clerical employees and guards, professional employees and supervisors as defined in the Act.

b) From about January 1981, until about November 22, 2013, the Union had been the designated exclusive collective-bargaining representative of the Unit employed by Respondent Vince & Sons, and since then the Union had been recognized as the representative by Respondent Vince & Sons. This recognition has been embodied in successive collective-bargaining agreements, the most recent of which was effective from June 1, 2011 to February 28, 2014.

c) Since about November 22, 2013, based on the facts described above in paragraphs IV and V, the Union has been the exclusive collective-bargaining representative of the Unit.

d) From about January 1981 to November 22, 2013, based on Section 9(a) of the Act, the Union had been the exclusive collective-bargaining representative of the Unit employed by the Respondent Vince & Sons.

e) At all material times since about November 22, 2013, based on Section 9(a) of the Act, the Union has been the exclusive collective-bargaining representative of the Unit.

X.

a) About September 2013, Respondent Vince & Sons, by Bob Okon at the Bridgeview, Illinois, facility, threatened employees with unspecified reprisals.

b) About November 21, 2013, Respondents, by Bob Okon at the Bridgeview, Illinois, facility, threatened employees with discharge.

XI.

a) About September 9, 2013, Respondent Vince & Sons, disciplined Elvia Gutierrez.

b) About September 16, 2013, Respondent Vince & Sons, disciplined Elvia Gutierrez, and Rosario Diaz.

c) About November 21, 2013, Respondents discharged Elvia Gutierrez, Rosario Diaz, and Fernando Salazar.

d) Respondents engaged in the conduct described above in paragraphs XI(a)-(c), because Elvia Gutierrez, Rosario Diaz, and Fernando Salazar joined the Union and engaged in concerted activities, and to discourage employees from engaging in these activities.

XII.

a) Since about September 5, 2013, Respondent Vince & Sons has failed to remit dues to the Union that were deducted from employees' wages pursuant to the checkoff provision in the collective-bargaining agreement described above in paragraph IX(b).

b) Since about September 5, 2013, Respondent Vince & Sons has failed to make health and welfare contributions pursuant to the terms of the collective-bargaining agreement.

c) Since about November 15, 2013, Respondent Vince & Sons has failed to adhere to the grievance process pursuant to the collective-bargaining agreement.

d) On about November 18, 2013, Respondents, by letter, withdrew its recognition of the Union as the exclusive collective-bargaining representative of the Unit.

e) Since about September 5, 2013, Respondent Vince & Sons, based on the facts described in paragraphs XII(a)-(c), repudiated the collective-bargaining agreement and has thereby failed to continue in effect the terms and conditions of the collective-bargaining agreement described above in paragraph IX(b).

f) Since about November 18, 2013, Respondents, by the conduct described in paragraph XII(d), have failed and refused to recognize and bargain with the Union as the exclusive collective bargaining representative of the Unit.

g) Respondents engaged in the conduct described in paragraphs XII(a)-(f) without the Union's consent.

XIII.

a) By the conduct described above in paragraph X, Respondent Vince & Sons has been interfering with, restraining, and coercing employees in the exercise of the rights guaranteed in Section 7 of the Act in violation of Section 8(a)(1) of the Act.

b) By the conduct described above in paragraph XI(a)-(c), Respondent Vince & Sons has been discriminating in regard to the hire or tenure or terms or conditions of employment of its employees, thereby discouraging membership in a labor organization in violation of Section 8(a)(1) and (3) of the Act.

c) By the conduct described above in paragraph XI(d), Respondents have been discriminating in regard to the hire or tenure or terms or conditions of employment of its employees, thereby discouraging membership in a labor organization in violation of Section 8(a)(1) and (3) of the Act.

d) By the conduct described above in paragraph XII, Respondents have been failing and refusing to bargain collectively and in good faith with the exclusive collective-bargaining representative of its employees in violation of Section 8(a)(1) and (5) of the Act.

e) The unfair labor practices of Respondents described above affect commerce within the meaning of Section 2(6) and (7) of the Act.

XIV.

WHEREFORE, as part of the remedy for the violations set forth in paragraph XII, in addition to a bargaining order remedy, the Acting General Counsel seeks a remedy that would restore the terms and conditions of the Unit employees to those that existed prior to November 22, 2013.

As part of the remedy for the unfair labor practices alleged above in paragraph XIII, the General Counsel seeks an Order requiring that the Notice to Employees be read to employees during work time by Mike Okon or, at the Respondents' option, by a Board Agent in Mike Okon's presence, with translation available for Spanish-speaking employees.

ANSWER REQUIREMENT

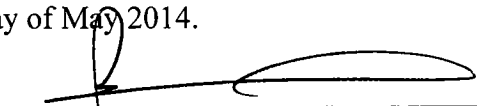
Respondent is notified that, pursuant to Sections 102.20 and 102.21 of the Board's Rules and Regulations, it must file an answer to the complaint. The answer must be **received by this office on or before May 30, 2014, or postmarked on or before May 29, 2014.** Respondent should file an original and four copies of the answer with this office and serve a copy of the answer on each of the other parties.

An answer may also be filed electronically through the Agency's website. To file electronically, go to www.nlr.gov, click on **File Case Documents**, enter the NLRB Case Number, and follow the detailed instructions. The responsibility for the receipt and usability of the answer rests exclusively upon the sender. Unless notification on the Agency's website informs users that the Agency's E-Filing system is officially determined to be in technical failure because it is unable to receive documents for a continuous period of more than 2 hours after 12:00 noon (Eastern Time) on the due date for filing, a failure to timely file the answer will not be excused on the basis that the transmission could not be accomplished because the Agency's website was off-line or unavailable for some other reason. The Board's Rules and Regulations require that an answer be signed by counsel or non-attorney representative for represented parties or by the party if not represented. See Section 102.21. If the answer being filed electronically is a pdf document containing the required signature, no paper copies of the answer need to be transmitted to the Regional Office. However, if the electronic version of an answer to a complaint is not a pdf file containing the required signature, then the E-filing rules require that such answer containing the required signature continue to be submitted to the Regional Office by traditional means within three (3) business days after the date of electronic filing. Service of the answer on each of the other parties must still be accomplished by means allowed under the Board's Rules and Regulations. The answer may not be filed by facsimile transmission. If no answer is filed, or if an answer is filed untimely, the Board may find, pursuant to a Motion for Default Judgment, that the allegations in the complaint are true.

NOTICE OF HEARING

PLEASE TAKE NOTICE THAT on **July 21, 2014, at 11:00 a.m., at 209 South La Salle Street, Suite 900, Chicago, Illinois 60604**, and on consecutive days thereafter until concluded, a hearing will be conducted before an administrative law judge of the National Labor Relations Board. At the hearing, Respondent and any other party to this proceeding have the right to appear and present testimony regarding the allegations in this complaint. The procedures to be followed at the hearing are described in the attached Form NLRB-4668. The procedure to request a postponement of the hearing is described in the attached Form NLRB-4338.

Dated in Chicago, Illinois this 16th day of May 2014.



Peter Sung Ohr
Regional Director
National Labor Relations Board
Region 13
209 South La Salle Street, Suite 900
Chicago, IL 60604-1443

Attachments

UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
NOTICE

Case 13-CA-123828

The issuance of the notice of formal hearing in this case does not mean that the matter cannot be disposed of by agreement of the parties. On the contrary, it is the policy of this office to encourage voluntary adjustments. The examiner or attorney assigned to the case will be pleased to receive and to act promptly upon your suggestions or comments to this end.

An agreement between the parties, approved by the Regional Director, would serve to cancel the hearing. However, unless otherwise specifically ordered, the hearing will be held at the date, hour, and place indicated. Postponements ***will not be granted*** unless good and sufficient grounds are shown ***and*** the following requirements are met:

- (1) The request must be in writing. An original and two copies must be filed with the Regional Director when appropriate under 29 CFR 102.16(a) or with the Division of Judges when appropriate under 29 CFR 102.16(b).
- (2) Grounds must be set forth in ***detail***;
- (3) Alternative dates for any rescheduled hearing must be given;
- (4) The positions of all other parties must be ascertained in advance by the requesting party and set forth in the request; and
- (5) Copies must be simultaneously served on all other parties (listed below), and that fact must be noted on the request.

Except under the most extreme conditions, no request for postponement will be granted during the three days immediately preceding the date of hearing.

Marisel A. Hernandez, Esq.
Jacobs, Burns, Orlove & Hernandez
150 N Michigan Ave Ste 1000
Chicago, IL 60601-7569

United Food & Commercial Workers Local 1546
1649 W Adams St 2nd Fl
Chicago, IL 60612-3294

Nicholas W. Clark, General Counsel
United Food and Commercial Workers
International Union
1775 K St NW
Washington, DC 20006

Robert Okon
Jo Mo Enterprises, Inc d/b/a Vince & Sons Pasta
7825 W 87th Pl
Bridgeview, IL 60455

**SUMMARY OF STANDARD PROCEDURES IN FORMAL HEARINGS HELD
BEFORE THE NATIONAL LABOR RELATIONS BOARD
IN UNFAIR LABOR PRACTICE PROCEEDINGS PURSUANT TO
SECTION 10 OF THE NATIONAL LABOR RELATIONS ACT**

The hearing will be conducted by an administrative law judge of the National Labor Relations Board who will preside at the hearing as an independent, impartial finder of the facts and applicable law whose decision in due time will be served on the parties. The offices of the administrative law judges are located in Washington, DC; San Francisco, California; New York, N.Y.; and Atlanta, Georgia.

At the date, hour, and place for which the hearing is set, the administrative law judge, upon the joint request of the parties, will conduct a "prehearing" conference, prior to or shortly after the opening of the hearing, to ensure that the issues are sharp and clearcut; or the administrative law judge may independently conduct such a conference. The administrative law judge will preside at such conference, but may, if the occasion arises, permit the parties to engage in private discussions. The conference will not necessarily be recorded, but it may well be that the labors of the conference will be evinced in the ultimate record, for example, in the form of statements of position, stipulations, and concessions. Except under unusual circumstances, the administrative law judge conducting the prehearing conference will be the one who will conduct the hearing; and it is expected that the formal hearing will commence or be resumed immediately upon completion of the prehearing conference. No prejudice will result to any party unwilling to participate in or make stipulations or concessions during any prehearing conference.

(This is not to be construed as preventing the parties from meeting earlier for similar purposes. To the contrary, the parties are encouraged to meet prior to the time set for hearing in an effort to narrow the issues.)

Parties may be represented by an attorney or other representative and present evidence relevant to the issues. All parties appearing before this hearing who have or whose witnesses have handicaps falling within the provisions of Section 504 of the Rehabilitation Act of 1973, as amended, and 29 C.F.R. 100.603, and who in order to participate in this hearing need appropriate auxiliary aids, as defined in 29 C.F.R. 100.603, should notify the Regional Director as soon as possible and request the necessary assistance.

An official reporter will make the only official transcript of the proceedings, and all citations in briefs and arguments must refer to the official record. The Board will not certify any transcript other than the official transcript for use in any court litigation. Proposed corrections of the transcript should be submitted, either by way of stipulation or motion, to the administrative law judge for approval.

All matter that is spoken in the hearing room while the hearing is in session will be recorded by the official reporter unless the administrative law judge specifically directs off-the-record discussion. In the event that any party wishes to make off-the-record statements, a request to go off the record should be directed to the administrative law judge and not to the official reporter.

Statements of reasons in support of motions and objections should be specific and concise. The administrative law judge will allow an automatic exception to all adverse rulings and, upon appropriate order, an objection and exception will be permitted to stand to an entire line of questioning.

All exhibits offered in evidence shall be in duplicate. Copies of exhibits should be supplied to the administrative law judge and other parties at the time the exhibits are offered in evidence. If a copy of any exhibit is not available at the time the original is received, it will be the responsibility of the party offering such exhibit to submit the copy to the administrative law judge before the close of hearing. In the event such copy is not submitted, and the filing has not been waived by the administrative law judge, any ruling receiving the exhibit may be rescinded and the exhibit rejected.

Any party shall be entitled, on request, to a reasonable period of time at the close of the hearing for oral argument, which shall be included in the transcript of the hearing. In the absence of a request, the administrative law judge may ask for oral argument if, at the close of the hearing, it is believed that such argument would be beneficial to the understanding of the contentions of the parties and the factual issues involved.

(OVER)

In the discretion of the administrative law judge, any party may, on request made before the close of the hearing, file a brief or proposed findings and conclusions, or both, with the administrative law judge who will fix the time for such filing. Any such filing submitted shall be double-spaced on 8 1/2 by 11 inch paper.

Attention of the parties is called to the following requirements laid down in Section 102.42 of the Board's Rules and Regulations, with respect to the procedure to be followed before the proceeding is transferred to the Board: No request for an extension of time within which to submit briefs or proposed findings to the administrative law judge will be considered unless received by the Chief Administrative Law Judge in Washington, DC (or, in cases under the branch offices in San Francisco, California; New York, New York; and Atlanta, Georgia, the Associate Chief Administrative Law Judge) at least 3 days prior to the expiration of time fixed for the submission of such documents. Notice of request for such extension of time must be served simultaneously on all other parties, and proof of such service furnished to the Chief Administrative Law Judge or the Associate Chief Administrative Law Judge, as the case may be. A quicker response is assured if the moving party secures the positions of the other parties and includes such in the request. All briefs or proposed findings filed with the administrative law judge must be submitted in triplicate, and may be printed or otherwise legibly duplicated with service on the other parties.

In due course the administrative law judge will prepare and file with the Board a decision in this proceeding, and will cause a copy thereof to be served on each of the parties. Upon filing of this decision, the Board will enter an order transferring this case to itself, and will serve copies of that order, setting forth the date of such transfer, on all parties. At that point, the administrative law judge's official connection with the case will cease.

The procedure to be followed before the Board from that point forward, with respect to the filing of exceptions to the administrative law judge's decision, the submission of supporting briefs, requests for oral argument before the Board, and related matters, is set forth in the Board's Rules and Regulations, particularly in Section 102.46 and following sections. A summary of the more pertinent of these provisions will be served on the parties together with the order transferring the case to the Board.

Adjustments or settlements consistent with the policies of the National Labor Relations Act reduce government expenditures and promote amity in labor relations. If adjustment appears possible, the administrative law judge may suggest discussions between the parties or, on request, will afford reasonable opportunity during the hearing for such discussions.

S/B
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UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 13

VINCE & SONS CO. AND JO MO ENTERPRISES,
INC. D/B/A VINCE & SONS PASTA, ALTER-EGO
AND/OR SUCCESSOR

and

Case 13-CA-123828

UNITED FOOD & COMMERCIAL WORKERS
LOCAL 1546

AFFIDAVIT OF SERVICE OF: Complaint and Notice of Hearing (with forms NLRB-4338 and NLRB-4668 attached)

I, the undersigned employee of the National Labor Relations Board, being duly sworn, say that on May 16, 2014, I served the above-entitled document(s) by **certified or regular mail**, as noted below, upon the following persons, addressed to them at the following addresses:

Robert Okon
Jo Mo Enterprises, Inc d/b/a Vince & Sons
Pasta
7825 W. 87th Place
Bridgeview, IL 60455

**CERTIFIED MAIL, RETURN RECEIPT
REQUESTED** Rec'd 5/23/14

Marisel A. Hernandez, Esq.
Jacobs, Burns, Orlove & Hernandez
150 N Michigan Ave Ste 1000
Chicago, IL 60601-7569

REGULAR MAIL

Nicholas W. Clark, General Counsel
United Food and Commercial Workers
International Union
1775 K Street NW
Washington, DC 20006

REGULAR MAIL

United Food & Commercial Workers Local
1546
1649 W Adams St 2nd Floor
Chicago, IL 60612-3294

CERTIFIED MAIL

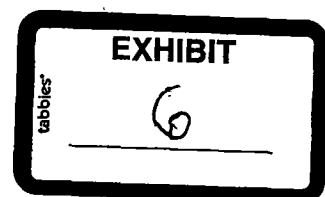
May 16, 2014

Date

Denise Gatsoudis, Designated Agent of NLRB

Name


Signature



Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

UFCW Local 1546
Jo Mo Enterprises, Inc.
dba Vince & Sons
13-CA-123828
Ortega
CNOH

4a. Article Number

7009 2250 0002 3561 1658

4b. Service Type

- | | |
|---|------------------------------------|
| <input type="checkbox"/> Registered | <input type="checkbox"/> Certified |
| <input type="checkbox"/> Express Mail | <input type="checkbox"/> Insured |
| <input type="checkbox"/> Return Receipt for Merchandise | <input type="checkbox"/> COD |

7. Date of Delivery

6/20/14

5. Received By: (Print Name)

L. Ramos

8. Addressee's Address (Only if requested and fee is paid)

6. Signature: (Addressee or Agent)

X

PS Form 3811, December 1994

Domestic Return Receipt

Thank you for using Return Receipt Service.

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 13

Vince and Sons Co. and Jo Mo Enterprises, Inc.)	
d/b/a Vince and Sons Pasta, alter ego and/or)	
successor.)	
)	
)	
)	
and)	13 CA 123828
)	
)	
United Food & Commercial Workers, Local 1546)	
)	
)	

ANSWER TO COMPLAINT

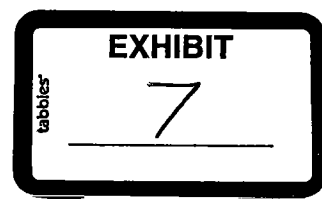
NOW COMES Vince and Sons Co. and Jo Mo Enterprises, Inc.d/b/a Vince and Sons Pasta and Successor to Vince and Sons Co. by and through their attorney, James E. McCoy, and answers the herein pending complaint as follows:

I

- a) Vince and Sons Co. admits the allegations contained in I(a) of the complaint.
- b) Vince and Sons Co. admits the allegations contained in I(b) of the complaint

II

- a) Vince and Sons Co. ceased doing business on November 22, 2013.
- b) Vince and Sons Co. denies that they sold and shipped goods valued in excess of \$50,000.00 directly to points outside the State of Illinois during the 12 month period ending November 22, 2013.
- c) Vince and Sons Co. admits the allegations contained in paragraph II (c)



III

- a) That at all material times, from November 22, 2013 forward in time, Jo Mo Enterprises has been engaged in the business of manufacturing pasta and the retail and non retail sale of pasta.
- b) That Jo Mo Enterprises Inc denies that it will annually ship to points outside the State of Illinois any goods valued at more than \$50,000.00.
- c) That Jo Mo Enterprises Inc. admits the allegations contained in paragraph III(c).

IV

- a) That "Vince and Sons" is a trade name that has been used by Jo Mo Enterprises, Inc and Vince and Sons Co.. Jo Mo Enterprises, Inc and Vince and Sons Co share no ownership, share no supervision of employees, share no management of "Vince and Sons" and has a substantially different operation model.
- b) That Jo Mo Enterprises, Inc and Vince and Sons Co. denies the allegation contained in paragraph IV (b).
- c) That Jo Mo Enterprises, Inc and Vince and Sons Co. denies the allegation contained in paragraph IV (c).
- d) That Jo Mo Enterprises, Inc and Vince and Sons Co. denies the allegation contained in paragraph IV (d).

V

- a) That Jo Mo Enterprises, Inc and Vince and Sons Co. denies the allegation contained in paragraph V (a).
- b) That Jo Mo Enterprises, Inc and Vince and Sons Co. denies the allegation contained in paragraph V (b).

VI

That Jo Mo Enterprises, Inc and Vince and Sons Co. neither admits nor denies the allegation contained in paragraph VI having insufficient information to form an answer and accordingly demands strict proof thereof.

VII

That Jo Mo Enterprises, Inc and Vince and Sons Co. denies the allegation contained in paragraph VII.

VIII

That Jo Mo Enterprises, Inc and Vince and Sons Co. denies the allegation contained in paragraph VIII.

IX

- a) That Jo Mo Enterprises, Inc and Vince and Sons Co. denies the allegation contained in paragraph IX(a).
- b) That Jo Mo Enterprises, Inc and Vince and Sons Co. admits the allegation contained in paragraph IX(b).
- c) That Jo Mo Enterprises, Inc and Vince and Sons Co. denies the allegation contained in paragraph IX(c).
- d) That Jo Mo Enterprises, Inc and Vince and Sons Co. admits the allegation contained in paragraph IX(d).
- e) That Jo Mo Enterprises, Inc and Vince and Sons Co. denies the allegation contained in paragraph IX(e).

X

- a) That Jo Mo Enterprises, Inc and Vince and Sons Co. denies the allegation contained in paragraph X(a).
- b) That Jo Mo Enterprises, Inc and Vince and Sons Co. denies the allegation contained in paragraph X(b).

XI

- a) That the Respondent Vince and Sons Co. neither admit nor deny the allegation contained in paragraph XI(a), having insufficient recollection upon which to answer.
- b) That the Respondent Vince and Sons Co. neither admits nor deny the allegation contained in XI(b) having insufficient recollection upon which to answer.
- c) That Jo Mo Enterprises, Inc and Vince and Sons Co. denies the allegation contained in paragraph XI(c).
- d) That Jo Mo Enterprises, Inc and Vince and Sons Co. denies the allegation contained in paragraph XI(d).

XII

- a) That Jo Mo Enterprises, Inc and Vince and Sons Co. denies the allegation contained in paragraph XII(a).
- b) That Jo Mo Enterprises, Inc and Vince and Sons Co. denies the allegation contained in paragraph XII(b).
- c) That Jo Mo Enterprises, Inc and Vince and Sons Co. denies the allegation contained in paragraph XII(c).

d) That Jo Mo Enterprises, Inc and Vince and Sons Co. denies the allegation contained in paragraph XII(d).

e) That Jo Mo Enterprises, Inc and Vince and Sons Co. denies the allegation contained in paragraph XII(e).

f) That Jo Mo Enterprises, Inc and Vince and Sons Co. denies the allegation contained in paragraph XII(f).

g) That Jo Mo Enterprises, Inc and Vince and Sons Co. denies the allegation contained in paragraph XII(g).

XIII

a) That Jo Mo Enterprises, Inc and Vince and Sons Co. denies the allegation contained in paragraph XIII(a).

b) That Jo Mo Enterprises, Inc and Vince and Sons Co. denies the allegation contained in paragraph XIII(b).

c) That Jo Mo Enterprises, Inc and Vince and Sons Co. denies the allegation contained in paragraph XIII(c).

d) That Jo Mo Enterprises, Inc and Vince and Sons Co. denies the allegation contained in paragraph XIII(d).

e) That Jo Mo Enterprises, Inc and Vince and Sons Co. denies the allegation contained in paragraph XIII(e).

Wherefore, Vince and Sons Pasta Co. seeks an order dismissing the subject complaint.

Respectfully Submitted,

By: S/James E. McCoy/
James E. McCoy,

Attorney for Respondents
101 S. Addison Road
Addison, IL 60101
630-279-2424
630-279-2425 fax

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 13

VINCE & SONS CO. AND JO MO ENTERPRISES,
INC. D/B/A VINCE & SONS PASTA, ALTER-EGO
AND/OR GOLDEN STATE SUCCESSOR

FOR
FORMAL FILE

and

Case 13-CA-123828

UNITED FOOD & COMMERCIAL WORKERS
LOCAL 1546

FIRST AMENDED COMPLAINT AND NOTICE OF HEARING

This Complaint and Notice of Hearing is based on a charge filed by United Food & Commercial Workers Local 1546, herein called the Union. It is issued pursuant to Section 10(b) of the National Labor Relations Act, 29 U.S.C. § 151 et seq. (the Act), and Section 102.15 of the Rules and Regulations of the National Labor Relations Board (the Board) and alleges that Vince & Sons Co., herein individually called Respondent Vince & Sons, and Jo Mo Enterprises, Inc. d/b/a Vince & Sons Pasta, herein individually called Respondent Jo Mo Enterprises, as Alter Egos and herein collectively called Respondents, has violated the Act as described below:

I.

a) The charge in this proceeding was filed by the Charging Party on March 5, 2014, and a copy was served by regular mail on Respondent on March 6, 2014.

b) The first amended charge in this proceeding was filed by the Charging Party on April 16, 2014, and a copy was served by regular mail on Respondent on April 16, 2014.

II.

a) At all material times, Respondent Vince & Sons, a corporation with an office and place of business in Bridgeview, Illinois, has been engaged in the business of manufacturing pasta and the retail and nonretail sale of pasta.

b) During the 12-month period ending November 22, 2013, Respondent Vince & Sons, in conducting its business operations described in paragraph II(a), sold and shipped from its Bridgeview, Illinois facility goods valued in excess of \$50,000 directly to points outside the State of Illinois.

c) At all material times, Respondent Vince & Sons has been an employer engaged in commerce within the meaning of Section 2(2), (6), and (7) of the Act.

EXHIBIT

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tabbles

III.

a) At all material times, Respondent Jo Mo Enterprises, a corporation, doing business as Vince & Sons Pasta, with an office and place of business in Bridgeview, Illinois, has been engaged in the business of manufacturing pasta and the retail and nonretail sale of pasta.

b) During the 12-month period beginning November 22, 2013, at which time Respondent Jo Mo Enterprises commenced its operations, Respondent Jo Mo Enterprises, in conducting its business operations described in paragraph III(a), sold and shipped from its Bridgeview, Illinois facility goods valued in excess of \$50,000 directly to points outside the State of Illinois

c) At all material times, Jo Mo Enterprises, Inc. d/b/a Vince & Sons Pasta has been an employer engaged in commerce within the meaning of Section 2(2), (6), and (7) of the Act.

IV.

a) At all material times, Respondent Vince & Sons and Respondent Jo Mo Enterprises have had substantially identical management, business purpose, operations, equipment, customers, and supervision, shared premises and facilities, and ownership.

b) About November 22, 2013, Respondent Jo Mo Enterprises was established by Respondent Vince & Sons, as a continuation of Respondent Vince & Sons Co.

c) Respondent Vince & Sons established Respondent Jo Mo Enterprises, as described in paragraph IV(b), for the purpose of evading its responsibilities under the Act.

d) Based on the operations and conduct described in paragraph IV(a)-(c), Respondent Vince & Sons and Respondent Jo Mo Enterprises are, and have been at all material times, alter egos within the meaning of the Act.

V.

a) In the alternative, about November 22, 2013, Respondent Jo Mo Enterprises purchased the business of Respondent Vince & Sons, and since then has continued to operate the business of Respondent Vince & Sons in basically unchanged form.

b) Before engaging in the conduct described above in paragraph V(a), Respondent Jo Mo Enterprises was put on notice of Respondent Vince & Sons' potential liability in Board Case 13-CA-123828 by virtue of the fact that the Respondent Jo Mo Enterprises' owner, Michael Okon, was previously employed as Respondent Vince & Sons' Director of Operations.

c) Based on the conduct and operations described above in paragraph V(a), Respondent Jo Mo Enterprises has continued the employing entity with notice of Respondent Vince & Sons' potential liability to remedy its unfair labor practices, and Respondent is a successor to Respondent Vince & Sons.

VI.

At all material times, the Union has been a labor organization within the meaning of Section 2(5) of the Act.

VII.

At all material times, the following individuals held the positions set forth opposite their respective names and have been supervisors of Respondent Vince & Sons within the meaning of Section 2(11) of the Act and agents of Respondent Vince & Sons within the meaning of Section 2(13) of the Act:

Robert Okon	-	Owner
Michael Okon	-	Director of Operations
Jesse Soto	-	Production Manager

VIII.

At all material times, the following individuals held the positions set forth opposite their respective names and have been supervisors of Respondent Jo Mo Enterprises within the meaning of Section 2(11) of the Act and agents of Respondent Jo Mo Enterprises within the meaning of Section 2(13) of the Act:

Michael Okon	-	Owner
Jesse Soto	-	Production Manager

IX.

a) About September 2013, Respondent Vince & Sons, by Bob Okon at the Bridgeview, Illinois, facility, threatened employees with unspecified reprisals.

b) About November 21, 2013, Respondents, by Bob Okon at the Bridgeview, Illinois, facility, threatened employees with discharge.

X.

a) About September 9, 2013, Respondent Vince & Sons, disciplined Elvia Gutierrez.

b) About September 16, 2013, Respondent Vince & Sons, disciplined Elvia Gutierrez, and Rosario Diaz.

c) About November 21, 2013, Respondents discharged Elvia Gutierrez, Rosario Diaz, and Fernando Salazar.

d) Respondents engaged in the conduct described above in paragraphs X(a)-(c), because Elvia Gutierrez, Rosario Diaz, and Fernando Salazar joined the Union and engaged in concerted activities, and to discourage employees from engaging in these activities.

XI.

a) By the conduct described above in paragraph IX(a), Respondent Vince & Sons has been interfering with, restraining, and coercing employees in the exercise of the rights guaranteed in Section 7 of the Act in violation of Section 8(a)(1) of the Act.

b) By the conduct described above in paragraph IX(b), Respondents have been interfering with, restraining, and coercing employees in the exercise of the rights guaranteed in Section 7 of the Act in violation of Section 8(a)(1) of the Act.

c) By the conduct described above in paragraph X(a)-(b) and (d), Respondent Vince & Sons has been discriminating in regard to the hire or tenure or terms or conditions of employment of its employees, thereby discouraging membership in a labor organization in violation of Section 8(a)(1) and (3) of the Act.

d) By the conduct described above in paragraph X(c)-(d), Respondents have been discriminating in regard to the hire or tenure or terms or conditions of employment of its employees, thereby discouraging membership in a labor organization in violation of Section 8(a)(1) and (3) of the Act.

e) The unfair labor practices of Respondents described above affect commerce within the meaning of Section 2(6) and (7) of the Act.

XII.

WHEREFORE, as part of the remedy for the unfair labor practices alleged above in paragraph XI, the General Counsel seeks an Order requiring that the Notice to Employees be read to employees during work time by Michael Okon or, at the Respondents' option, by a Board Agent in Michael Okon's presence, with translation available for Spanish-speaking employees.

ANSWER REQUIREMENT

Respondent is notified that, pursuant to Sections 102.20 and 102.21 of the Board's Rules and Regulations, it must file an answer to the complaint. The answer must be **received by this office on or before December 18, 2014, or postmarked on or before December 17, 2014.** Respondent should file an original and four copies of the answer with this office and serve a copy of the answer on each of the other parties.

An answer may also be filed electronically through the Agency's website. To file electronically, go to www.nlr.gov, click on **File Case Documents**, enter the NLRB Case Number, and follow the detailed instructions. The responsibility for the receipt and usability of the answer rests exclusively upon the sender. Unless notification on the Agency's website informs users that the Agency's E-Filing system is officially determined to be in technical failure

because it is unable to receive documents for a continuous period of more than 2 hours after 12:00 noon (Eastern Time) on the due date for filing, a failure to timely file the answer will not be excused on the basis that the transmission could not be accomplished because the Agency's website was off-line or unavailable for some other reason. The Board's Rules and Regulations require that an answer be signed by counsel or non-attorney representative for represented parties or by the party if not represented. See Section 102.21. If the answer being filed electronically is a pdf document containing the required signature, no paper copies of the answer need to be transmitted to the Regional Office. However, if the electronic version of an answer to a complaint is not a pdf file containing the required signature, then the E-filing rules require that such answer containing the required signature continue to be submitted to the Regional Office by traditional means within three (3) business days after the date of electronic filing. Service of the answer on each of the other parties must still be accomplished by means allowed under the Board's Rules and Regulations. The answer may not be filed by facsimile transmission. If no answer is filed, or if an answer is filed untimely, the Board may find, pursuant to a Motion for Default Judgment, that the allegations in the complaint are true.

NOTICE OF HEARING

PLEASE TAKE NOTICE THAT on **January 26, 2015, at 11:00 a.m., at 209 South La Salle Street, Suite 900, Chicago, Illinois 60604**, and on consecutive days thereafter until concluded, a hearing will be conducted before an administrative law judge of the National Labor Relations Board. At the hearing, Respondent and any other party to this proceeding have the right to appear and present testimony regarding the allegations in this complaint. The procedures to be followed at the hearing are described in the attached Form NLRB-4668. The procedure to request a postponement of the hearing is described in the attached Form NLRB-4338.

Dated in Chicago, Illinois this 4th day of December 2014.



Paul Hitterman, Acting Regional Director
National Labor Relations Board
Region 13
209 South La Salle Street, Suite 900
Chicago, IL 60604-1443

UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
NOTICE

Case 13-CA-123828

The issuance of the notice of formal hearing in this case does not mean that the matter cannot be disposed of by agreement of the parties. On the contrary, it is the policy of this office to encourage voluntary adjustments. The examiner or attorney assigned to the case will be pleased to receive and to act promptly upon your suggestions or comments to this end.

An agreement between the parties, approved by the Regional Director, would serve to cancel the hearing. However, unless otherwise specifically ordered, the hearing will be held at the date, hour, and place indicated. Postponements *will not be granted* unless good and sufficient grounds are shown *and* the following requirements are met:

- (1) The request must be in writing. An original and two copies must be filed with the Regional Director when appropriate under 29 CFR 102.16(a) or with the Division of Judges when appropriate under 29 CFR 102.16(b).
- (2) Grounds must be set forth in *detail*;
- (3) Alternative dates for any rescheduled hearing must be given;
- (4) The positions of all other parties must be ascertained in advance by the requesting party and set forth in the request; and
- (5) Copies must be simultaneously served on all other parties (listed below), and that fact must be noted on the request.

Except under the most extreme conditions, no request for postponement will be granted during the three days immediately preceding the date of hearing.

MARISEL A. HERNANDEZ , ESQ.
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CHICAGO, IL 60601-7569

ROBERT OKON
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BRIDGEVIEW, IL 60455

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CHICAGO, IL 60612-3294

MICHAEL OKON
JO MO ENTERPRISES, INC D/B/A VINCE
& SONS PASTA
7825 W. 87TH PLACE
BRIDGEVIEW, IL 60455

JAMES E. MCCOY , ESQ.
LAW OFFICE OF JAMES E. MCCOY
101 SOUTH ADDISON ROAD
SUITE B
ADDISON, IL 60101

Procedures in NLRB Unfair Labor Practice Hearings

The attached complaint has scheduled a hearing that will be conducted by an administrative law judge (ALJ) of the National Labor Relations Board who will be an independent, impartial finder of facts and applicable law. **You may be represented at this hearing by an attorney or other representative.** If you are not currently represented by an attorney, and wish to have one represent you at the hearing, you should make such arrangements as soon as possible. A more complete description of the hearing process and the ALJ's role may be found at Sections 102.34, 102.35, and 102.45 of the Board's Rules and Regulations. The Board's Rules and regulations are available at the following link: www.nlr.gov/sites/default/files/attachments/basic-page/node-1717/rules_and_regs_part_102.pdf.

The NLRB allows you to file certain documents electronically and you are encouraged to do so because it ensures that your government resources are used efficiently. To e-file go to the NLRB's website at www.nlr.gov, click on "e-file documents," enter the 10-digit case number on the complaint (the first number if there is more than one), and follow the prompts. You will receive a confirmation number and an e-mail notification that the documents were successfully filed.

Although this matter is set for trial, this does not mean that this matter cannot be resolved through a settlement agreement. The NLRB recognizes that adjustments or settlements consistent with the policies of the National Labor Relations Act reduce government expenditures and promote amity in labor relations and encourages the parties to engage in settlement efforts.

I. BEFORE THE HEARING

The rules pertaining to the Board's pre-hearing procedures, including rules concerning filing an answer, requesting a postponement, filing other motions, and obtaining subpoenas to compel the attendance of witnesses and production of documents from other parties, may be found at Sections 102.20 through 102.32 of the Board's Rules and Regulations. In addition, you should be aware of the following:

- **Special Needs:** If you or any of the witnesses you wish to have testify at the hearing have special needs and require auxiliary aids to participate in the hearing, you should notify the Regional Director as soon as possible and request the necessary assistance. Assistance will be provided to persons who have handicaps falling within the provisions of Section 504 of the Rehabilitation Act of 1973, as amended, and 29 C.F.R. 100.603.
- **Pre-hearing Conference:** One or more weeks before the hearing, the ALJ may conduct a telephonic prehearing conference with the parties. During the conference, the ALJ will explore whether the case may be settled, discuss the issues to be litigated and any logistical issues related to the hearing, and attempt to resolve or narrow outstanding issues, such as disputes relating to subpoenaed witnesses and documents. This conference is usually not recorded, but during the hearing the ALJ or the parties sometimes refer to discussions at the pre-hearing conference. You do not have to wait until the prehearing conference to meet with the other parties to discuss settling this case or any other issues.

II. DURING THE HEARING

The rules pertaining to the Board's hearing procedures are found at Sections 102.34 through 102.43 of the Board's Rules and Regulations. Please note in particular the following:

- **Witnesses and Evidence:** At the hearing, you will have the right to call, examine, and cross-examine witnesses and to introduce into the record documents and other evidence.
- **Exhibits:** Each exhibit offered in evidence must be provided in duplicate to the court reporter and a copy of each of each exhibit should be supplied to the ALJ and each party when the exhibit is offered in

evidence. If a copy of any exhibit is not available when the original is received, it will be the responsibility of the party offering such exhibit to submit the copy to the ALJ before the close of hearing. If a copy is not submitted, and the filing has not been waived by the ALJ, any ruling receiving the exhibit may be rescinded and the exhibit rejected.

- **Transcripts:** An official court reporter will make the only official transcript of the proceedings, and all citations in briefs and arguments must refer to the official record. The Board will not certify any transcript other than the official transcript for use in any court litigation. Proposed corrections of the transcript should be submitted, either by way of stipulation or motion, to the ALJ for approval. Everything said at the hearing while the hearing is in session will be recorded by the official reporter unless the ALJ specifically directs off-the-record discussion. If any party wishes to make off-the-record statements, a request to go off the record should be directed to the ALJ.

- **Oral Argument:** You are entitled, on request, to a reasonable period of time at the close of the hearing for oral argument, which shall be included in the transcript of the hearing. Alternatively, the ALJ may ask for oral argument if, at the close of the hearing, if it is believed that such argument would be beneficial to the understanding of the contentions of the parties and the factual issues involved.

- **Date for Filing Post-Hearing Brief:** Before the hearing closes, you may request to file a written brief or proposed findings and conclusions, or both, with the ALJ. The ALJ has the discretion to grant this request and will set a deadline for filing, up to 35 days.

III. AFTER THE HEARING

The Rules pertaining to filing post-hearing briefs and the procedures after the ALJ issues a decision are found at Sections 102.42 through 102.48 of the Board's Rules and Regulations. Please note in particular the following:

- **Extension of Time for Filing Brief with the ALJ:** If you need an extension of time to file a post-hearing brief, you must follow Section 102.42 of the Board's Rules and Regulations, which requires you to file a request with the appropriate chief or associate chief administrative law judge, depending on where the trial occurred. You must immediately serve a copy of any request for an extension of time on all other parties and furnish proof of that service with your request. You are encouraged to seek the agreement of the other parties and state their positions in your request.

- **ALJ's Decision:** In due course, the ALJ will prepare and file with the Board a decision in this matter. Upon receipt of this decision, the Board will enter an order transferring the case to the Board and specifying when exceptions are due to the ALJ's decision. The Board will serve copies of that order and the ALJ's decision on all parties.

- **Exceptions to the ALJ's Decision:** The procedure to be followed with respect to appealing all or any part of the ALJ's decision (by filing exceptions with the Board), submitting briefs, requests for oral argument before the Board, and related matters is set forth in the Board's Rules and Regulations, particularly in Section 102.46 and following sections. A summary of the more pertinent of these provisions will be provided to the parties with the order transferring the matter to the Board.

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 13**

**VINCE & SONS CO. AND JO MO ENTERPRISES,
INC. D/B/A VINCE & SONS PASTA, ALTER-EGO
AND/OR SUCCESSOR**

and

Case 13-CA-123828

**UNITED FOOD AND COMMERCIAL WORKERS
LOCAL 1546**

**AFFIDAVIT OF SERVICE OF: FIRST AMENDED COMPLAINT AND NOTICE OF
HEARING (with forms NLRB-4338 and NLRB-4668 attached)**

I, the undersigned employee of the National Labor Relations Board, being duly sworn, say that on **December 4, 2014**, I served the above-entitled document(s) by **certified or regular mail**, as noted below, upon the following persons, addressed to them at the following addresses:

MICHAEL OKON
JO MO ENTERPRISES, INC D/B/A
VINCE & SONS PASTA
7825 W. 87TH PLACE
BRIDGEVIEW, IL 60455

**CERTIFIED MAIL, RETURN RECEIPT
REQUESTED**

ROBERT OKON
VINCE & SONS CO.
7825 W. 87TH PLACE
BRIDGEVIEW, IL 60455

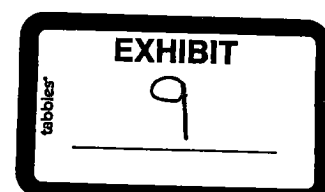
**CERTIFIED MAIL, RETURN RECEIPT
REQUESTED**

JAMES E. MCCOY , ESQ.
LAW OFFICE OF JAMES E. MCCOY
101 SOUTH ADDISON ROAD
SUITE B
ADDISON, IL 60101

REGULAR MAIL

MARISEL A. HERNANDEZ , ESQ.
JACOBS, BURNS, ORLOVE &
HERNANDEZ
150 N MICHIGAN AVE., STE 1000
CHICAGO, IL 60601-7569

REGULAR MAIL



NICHOLAS W. CLARK , GENERAL
COUNSEL
UNITED FOOD AND COMMERCIAL
WORKERS INTERNATIONAL UNION
1775 K STREET NW
WASHINGTON, DC 20006-1598

REGULAR MAIL

UNITED FOOD AND COMMERCIAL
WORKERS LOCAL 1546
1649 W ADAMS ST., 2ND FLOOR
CHICAGO, IL 60612-3294

CERTIFIED MAIL

December 4, 2014

Date

Denise Gatsoudis, Designated Agent of
NLRB

Name

/s/ Denise Gatsoudis

Signature

UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
NOTICE

Case 13-CA-123828

The issuance of the notice of formal hearing in this case does not mean that the matter cannot be disposed of by agreement of the parties. On the contrary, it is the policy of this office to encourage voluntary adjustments. The examiner or attorney assigned to the case will be pleased to receive and to act promptly upon your suggestions or comments to this end.

An agreement between the parties, approved by the Regional Director, would serve to cancel the hearing. However, unless otherwise specifically ordered, the hearing will be held at the date, hour, and place indicated. Postponements ***will not be granted*** unless good and sufficient grounds are shown ***and*** the following requirements are met:

- (1) The request must be in writing. An original and two copies must be filed with the Regional Director when appropriate under 29 CFR 102.16(a) or with the Division of Judges when appropriate under 29 CFR 102.16(b).
- (2) Grounds must be set forth in ***detail***;
- (3) Alternative dates for any rescheduled hearing must be given;
- (4) The positions of all other parties must be ascertained in advance by the requesting party and set forth in the request; and
- (5) Copies must be simultaneously served on all other parties (listed below), and that fact must be noted on the request.

Except under the most extreme conditions, no request for postponement will be granted during the three days immediately preceding the date of hearing.

MARISEL A. HERNANDEZ , ESQ.
JACOBS, BURNS, ORLOVE &
HERNANDEZ
150 N MICHIGAN AVE STE 1000
CHICAGO, IL 60601-7569

ROBERT OKON
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COUNSEL
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MICHAEL OKON
JO MO ENTERPRISES, INC D/B/A VINCE
& SONS PASTA
7825 W. 87TH PLACE
BRIDGEVIEW, IL 60455

JAMES E. MCCOY , ESQ.
LAW OFFICE OF JAMES E. MCCOY
101 SOUTH ADDISON ROAD
SUITE B
ADDISON, IL 60101

Procedures in NLRB Unfair Labor Practice Hearings

The attached complaint has scheduled a hearing that will be conducted by an administrative law judge (ALJ) of the National Labor Relations Board who will be an independent, impartial finder of facts and applicable law. **You may be represented at this hearing by an attorney or other representative.** If you are not currently represented by an attorney, and wish to have one represent you at the hearing, you should make such arrangements as soon as possible. A more complete description of the hearing process and the ALJ's role may be found at Sections 102.34, 102.35, and 102.45 of the Board's Rules and Regulations. The Board's Rules and regulations are available at the following link: www.nlr.gov/sites/default/files/attachments/basic-page/node-1717/rules_and_regs_part_102.pdf.

The NLRB allows you to file certain documents electronically and you are encouraged to do so because it ensures that your government resources are used efficiently. To e-file go to the NLRB's website at www.nlr.gov, click on "e-file documents," enter the 10-digit case number on the complaint (the first number if there is more than one), and follow the prompts. You will receive a confirmation number and an e-mail notification that the documents were successfully filed.

Although this matter is set for trial, this does not mean that this matter cannot be resolved through a settlement agreement. The NLRB recognizes that adjustments or settlements consistent with the policies of the National Labor Relations Act reduce government expenditures and promote amity in labor relations and encourages the parties to engage in settlement efforts.

I. BEFORE THE HEARING

The rules pertaining to the Board's pre-hearing procedures, including rules concerning filing an answer, requesting a postponement, filing other motions, and obtaining subpoenas to compel the attendance of witnesses and production of documents from other parties, may be found at Sections 102.20 through 102.32 of the Board's Rules and Regulations. In addition, you should be aware of the following:

- **Special Needs:** If you or any of the witnesses you wish to have testify at the hearing have special needs and require auxiliary aids to participate in the hearing, you should notify the Regional Director as soon as possible and request the necessary assistance. Assistance will be provided to persons who have handicaps falling within the provisions of Section 504 of the Rehabilitation Act of 1973, as amended, and 29 C.F.R. 100.603.
- **Pre-hearing Conference:** One or more weeks before the hearing, the ALJ may conduct a telephonic prehearing conference with the parties. During the conference, the ALJ will explore whether the case may be settled, discuss the issues to be litigated and any logistical issues related to the hearing, and attempt to resolve or narrow outstanding issues, such as disputes relating to subpoenaed witnesses and documents. This conference is usually not recorded, but during the hearing the ALJ or the parties sometimes refer to discussions at the pre-hearing conference. You do not have to wait until the prehearing conference to meet with the other parties to discuss settling this case or any other issues.

II. DURING THE HEARING

The rules pertaining to the Board's hearing procedures are found at Sections 102.34 through 102.43 of the Board's Rules and Regulations. Please note in particular the following:

- **Witnesses and Evidence:** At the hearing, you will have the right to call, examine, and cross-examine witnesses and to introduce into the record documents and other evidence.
- **Exhibits:** Each exhibit offered in evidence must be provided in duplicate to the court reporter and a copy of each of each exhibit should be supplied to the ALJ and each party when the exhibit is offered in

(OVER)

evidence. If a copy of any exhibit is not available when the original is received, it will be the responsibility of the party offering such exhibit to submit the copy to the ALJ before the close of hearing. If a copy is not submitted, and the filing has not been waived by the ALJ, any ruling receiving the exhibit may be rescinded and the exhibit rejected.

- **Transcripts:** An official court reporter will make the only official transcript of the proceedings, and all citations in briefs and arguments must refer to the official record. The Board will not certify any transcript other than the official transcript for use in any court litigation. Proposed corrections of the transcript should be submitted, either by way of stipulation or motion, to the ALJ for approval. Everything said at the hearing while the hearing is in session will be recorded by the official reporter unless the ALJ specifically directs off-the-record discussion. If any party wishes to make off-the-record statements, a request to go off the record should be directed to the ALJ.
- **Oral Argument:** You are entitled, on request, to a reasonable period of time at the close of the hearing for oral argument, which shall be included in the transcript of the hearing. Alternatively, the ALJ may ask for oral argument if, at the close of the hearing, if it is believed that such argument would be beneficial to the understanding of the contentions of the parties and the factual issues involved.
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III. AFTER THE HEARING

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- **ALJ's Decision:** In due course, the ALJ will prepare and file with the Board a decision in this matter. Upon receipt of this decision, the Board will enter an order transferring the case to the Board and specifying when exceptions are due to the ALJ's decision. The Board will serve copies of that order and the ALJ's decision on all parties.
- **Exceptions to the ALJ's Decision:** The procedure to be followed with respect to appealing all or any part of the ALJ's decision (by filing exceptions with the Board), submitting briefs, requests for oral argument before the Board, and related matters is set forth in the Board's Rules and Regulations, particularly in Section 102.46 and following sections. A summary of the more pertinent of these provisions will be provided to the parties with the order transferring the matter to the Board.

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 13

Vince and Sons Co. and Jo Mo Enterprises, Inc.)	
d/b/a Vince and Sons Pasta, alter ego and/or)	
successor.)	
)	
)	
)	
and)	13 CA 123828
)	
)	
United Food & Commercial Workers, Local 1546)	
)	
)	

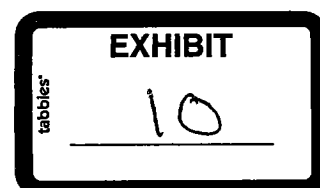
ANSWER TO FIRST AMENDED COMPLAINT

NOW COMES Jo Mo Enterprises, Inc. d/b/a Vince and Sons Pasta by and through their attorney, James E. McCoy, and answers the herein pending complaint as follows:

- a) Jo Mo Enterprises, Inc. d/b/a Vince and Sons Pasta admits the allegations contained in I(a) of the complaint.
- b) Jo Mo Enterprises, Inc. d/b/a Vince and Sons Pasta admits the allegations contained in I(b) of the complaint

II

- a) Vince and Sons Co. ceased doing business on November 22, 2013.
- b) Jo Mo Enterprises, Inc. d/b/a Vince and Sons Pasta denies that Vince and Sons Co. sold and shipped goods valued in excess of \$50,000.00 directly to points outside the State of Illinois during the 12 month period ending November 22, 2013.
- c) Jo Mo Enterprises, Inc. d/b/a Vince and Sons Pasta admits the allegations contained in paragraph II (c).



III

- a) That at all material times, from November 22, 2013 forward in time, Jo Mo Enterprises, Inc. d/b/a Vince and Sons Pasta has been engaged in the business of manufacturing pasta and the retail and non retail sale of pasta.
- b) That Jo Mo Enterprises, Inc. d/b/a Vince and Sons Pasta denies that it will annually ship to points outside the State of Illinois any goods valued at more than \$50,000.00.
- c) That Jo Mo Enterprises, Inc. d/b/a Vince and Sons Pasta admits the allegations contained in paragraph III(c).

IV

- a) That "Vince and Sons" and "Vince and Sons Pasta" is a trade name that has been used by Jo Mo Enterprises, Inc and Vince and Sons Co.. Jo Mo Enterprises, Inc and Vince and Sons Co share no ownership, share no supervision of employees, share no management of "Vince and Sons" and has a substantially different operation model.
- b) That Jo Mo Enterprises, Inc. d/b/a Vince and Sons Pasta denies the allegation contained in paragraph IV (b).
- c) That Jo Mo Enterprises, Inc. d/b/a Vince and Sons Pasta denies the allegation contained in paragraph IV (c).
- d) That Jo Mo Enterprises, Inc. d/b/a Vince and Sons Pasta denies the allegation contained in paragraph IV (d).

V

- a) That Jo Mo Enterprises, Inc. d/b/a Vince and Sons Pasta denies the allegation contained in paragraph V (a).
- b) That Jo Mo Enterprises, Inc. d/b/a Vince and Sons Pasta admits the allegation contained in paragraph V (b).

c) That Jo Mo Enterprises, Inc. d/b/a Vince and Sons Pasta denies the allegations contained in paragraph V(c).

VI

That Jo Mo Enterprises, Inc. d/b/a Vince and Sons Pasta and Vince and Sons Co. neither admits nor denies the allegation contained in paragraph VI having insufficient information to form an answer and accordingly demands strict proof thereof.

VII

That Jo Mo Enterprises, Inc. d/b/a Vince and Sons Pasta admits the allegations contained in paragraph VII in so much as the allegations are directed against Vince and Sons Co., and not Vince and Sons, which is a trade name used by Jo Mo Enterprises, Inc.

VIII

That Jo Mo Enterprises, Inc. d/b/a Vince and Sons Pasta admits the allegation contained in paragraph VIII.

IX

a) That Jo Mo Enterprises, Inc. d/b/a Vince and Sons Pasta denies the allegation contained in paragraph IX(a).

b) That Jo Mo Enterprises, Inc. d/b/a Vince and Sons Pasta denies the allegation contained in paragraph IX(b).

X

- a) That Jo Mo Enterprises, Inc. d/b/a Vince and Sons Pasta denies the allegation contained in paragraph X(a).
- b) That Jo Mo Enterprises, Inc. d/b/a Vince and Sons Pasta denies the allegation contained in paragraph X(b).
- c) That Jo Mo Enterprises, Inc. d/b/a Vince and Sons Pasta denies the allegations contained in paragraph X(c).
- d) That Jo Mo Enterprises, Inc. d/b/a Vince and Sons Pasta denies the allegations contained in paragraph X(d).

XI

- a) That the Respondent Jo Mo Enterprises, Inc. d/b/a Vince and Sons Pasta denies the allegations contained in paragraph XI(a).
- b) That the Respondent Jo Mo Enterprises, Inc. d/b/a Vince and Sons Pasta denies the allegations contained in paragraph XI(b).
- c) That the Respondent Jo Mo Enterprises, Inc. d/b/a Vince and Sons Pasta denies the allegations contained in paragraph XI(c).
- d) That the Respondent Jo Mo Enterprises, Inc. d/b/a Vince and Sons Pasta denies the allegations contained in paragraph XI(d).
- e) That the Respondent Jo Mo Enterprises, Inc. d/b/a Vince and Sons Pasta denies the allegations contained in paragraph XI(e).

XII

Wherefore, Jo Mo Enterprises, Inc. d/b/a Vince and Sons Pasta seeks an order dismissing the subject complaint.

Respectfully Submitted,

By: S/James E. McCoy/
James E. McCoy

James E. McCoy
Attorney for Respondents
101 S. Addison Road
Addison, IL 60101
630-279-2424
630-279-2425 fax



UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 13

VINCE & SONS CO. AND JO MO ENTERPRISES,
INC. D/B/A VINCE & SONS PASTA, ALTER-EGO
AND/OR GOLDEN STATE SUCCESSOR

and

Case 13-CA-123828

UNITED FOOD & COMMERCIAL WORKERS
LOCAL 1546

**ORDER APPROVING RESPONDENTS' MOTION
TO WITHDRAW ITS ANSWERS**

On May 16, 2014, the Regional Director issued a Complaint and Notice of Hearing in the above-captioned matter. Pursuant to Sections 102.20 and 102.21 of the Board's Rules and Regulations, on May 30, Respondents filed an Answer to this Complaint. On December 4, 2014, the Acting Regional Director issued a First Amended Complaint and Notice of Hearing in this case. On December 26, Respondents filed an Answer to the First Amended Complaint.

On January 23, 2015, Respondents filed a Motion to Withdraw both its Answers. This motion states that by withdrawing its Answers all allegations in the First Amended Complaint shall be deemed to be admitted to be true and shall be so found by the Board.

IT IS HEREBY ORDERED that Respondents' Motion to withdraw its Answers in the above-captioned matter is granted.

Dated at Chicago, Illinois, this 26th day of January 2015.



Peter Sung Ohr, Regional Director
National Labor Relations Board
Region 13
209 South LaSalle Street, Suite 900
Chicago, Illinois 60604

EXHIBIT

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**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 13**

**VINCE & SONS CO. AND JO MO ENTERPRISES,
INC. D/B/A VINCE & SONS PASTA, ALTER-EGO
AND/OR GOLDEN STATE SUCCESSOR**

and

Case 13-CA-123828

**UNITED FOOD AND COMMERCIAL WORKERS
LOCAL 1546**

**AFFIDAVIT OF SERVICE OF ORDER APPROVING RESPONDENT'S MOTION TO
WITHDRAW ITS ANSWERS**

I, the undersigned employee of the National Labor Relations Board, being duly sworn, say that on January 26, 2015, I served the above-entitled document(s) by **regular mail** upon the following persons, addressed to them at the following addresses:

United Food and Commercial
Workers Local 1546
1649 W. Adams St., 2nd Fl.
Chicago, IL 60612-3294

Marisel A. Hernandez , Esq.
Jacobs, Burns, Orlove & Hernandez
150 N. Michigan Ave., Ste. 1000
Chicago, IL 60601-7569

Nicholas W. Clark, General Counsel
United Food and Commercial Workers
International Union
1775 K Street NW
Washington, DC 20006-1598

Mr. Michael Okon
Jo Mo Enterprises, Inc. d/b/a
Vince & Sons Pasta
7825 W. 87th Pl.
Bridgeview, IL 60455

James E. McCoy, Esq.
Law Office of James E. McCoy
101 S. Addison Rd., Ste. B
Addison, IL 60101

Mr. Robert Okon
Vince & Sons Co.
7825 W. 87th Pl.
Bridgeview, IL 60455-1864

January 26, 2015

Denise Gatsoudis, Designated Agent of
NLRB

Date

Name

/s/ Denise Gatsoudis
Signature

EXHIBIT

13